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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,386	02/23/2004	Michael Dewayne Adams	XO401A	8426

24321 7590 12/12/2006  
Law Offices of James J. Ralabate  
5792 Main St.  
Williamsville, NY 14221

EXAMINER
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SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/784,386	ADAMS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	VIJAY SHANKAR	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not provide detail written description of the subject matters as claimed of Claims 1-14. More detail written description is needed in the specification.

Also, Figures 1-2 should be written in detail written description of the specification; all the elements of figures 1-2 should be written in detail, because element 7 and 8 of fig.2 is even not mentioned in the detail written description of the specification.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the element 7 and 8 in Figure 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al (6,356,437).

Regarding Claims 1 and 8, Mitchell et al teaches a portable mobile computer mini-server (Figs. 1-11; Summary; Column 6, line 20- Column 28, line 65) comprising in electrical connection at least one of each of the following components: a first hands-free activated general purpose computer ("first computer") (see 102 in fig.1), an Operating Server Software and a battery (Fig.1; Column 9, lines 1-65), said first voice-activated hands-free general purpose computer having hands-free activation means (Fig.1-2; Col.9, lines 44-65) and means to communicate and exchange information with a second voice-activated computer (second computer(s)) which is located remotely relative to said first voice-activated hands-free general purpose computer (Figs. 1-2, Col. 9, line 1- Col.10, line 65) said mini-server having means to function as a server for at least one of said second computers, said hands-free activation means selected from the group consisting of audio activation, electroencephalography activation, eye activation, hand and arm-tracking means and mixtures thereof (Figs. 1-2, Col. 9, line 1- Col.13, line 65); and said mini-server having means to function as a server, at least one of said second computers using a wireless protocol to communicate, said hands-free activated general purpose computer having activation means. (Figs. 1-2, Col. 9, line 1- Col.13, line 65).

Regarding Claims 2-7, Mitchell et al teaches a server wherein all of said components are encased in a weatherproof housing including a magnesium alloy shell;

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a PCMCIA card slot in said first computer; the server having at least one primary or at least one secondary battery and means for connection to an outside power source, video memory and a built-in sound card, at least one integrated Digital Signal Processor, a compact flash, USB, DC-IN jack, user interface ports, a power port for connection to an outside power source and at least a 500 MHz processor. (Figs. 1-2, Col. 9, line 1- Col.13, line 65).

Regarding Claim 9, Mitchell et al teaches a system wherein said user-supported hands-free computer and ServicePoint have means for also communicating and interacting with a communication means selected from the group consisting of cellular telephones, hard line telephones, infrared transceivers, two way radio means and mixtures thereof. (Figs. 1-2, Col. 9, line 1- Col.13, line 65).

Regarding Claim 10, Mitchell et al teaches a system wherein said mini-server comprises in electrical connections, a battery, a suitable Operating Server Software, wireless communication means, a compact flash card, and a voice-activated general purpose first computer, said first computer having means to communicate and exchange information with a second voice-activated computer remotely located relative to said first computer, said first computer having means to function as an access point for at least one of said second computers. (Figs. 1-2, Col. 9, line 1- Col.13, line 65).

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Regarding Claim 11, Mitchell et al teaches a system wherein the second computer permits a user to wear only a display and an activation means which is adapted to interact with said first computer. (Fig. 1, Col. 9, line 1-65).

Regarding Claim 12, Mitchell et al teaches a system wherein said second computer comprises a display means selected from the group consisting of a head mounted display, a wrist mounted display, a neck hung display, a flat panel display and mixtures thereof. (Fig. 1, Col. 9, line 1-65).

Regarding Claim 13, Mitchell et al teaches a system wherein said mini-server and both said first and second voice activated computer have other means to operate in addition to said voice activated, said other means include electroencephalography activation means, eye activation means, head and arm tracking means, and mixtures thereof, and whereby the first computer has means to interact with said other means. (Figs. 1-2, Col. 9, line 1- Col.13, line 65).

Regarding Claim 14, Mitchell et al teaches a system wherein said second voice activated computer has a single computer housing and wherein a computer display, said voice activation means are combined into said single housing together with all of the components of a general purpose computer. (Figs. 1-2, Col. 9, line 1- Col.13, line 65).

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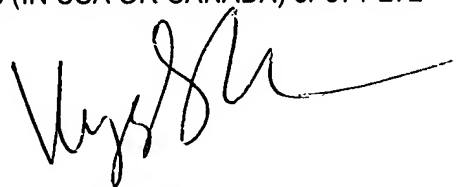
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitchell et al, Toyosato, Newman et al, Wong, Peterson et al all teach portable communication systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VIJAY SHANKAR  
Primary Examiner  
Art Unit 2629

VS